

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

United States of America,	)	
	)	
vs.	)	No. 05-0166-01-CR-W-FJG
Daryl W. Smith,	)	
	)	
Defendant.	)	

**ORDER**

Pending before this Court is defendant's sentencing request (Doc. #23), filed November 22, 2005, and defendant's motion for return of evidence (Doc. #26), filed November 25, 2005. Defendant is advised that the Bureau of Prisons will determine the location of his incarceration. This Court has recommended that defendant receive substance abuse treatment and receive counseling during his incarceration. That recommendation is recorded in the November 21, 2005, judgment and commitment order.

Defendant's motion for return of evidence (Doc. #26), filed November 25, 2005, is denied for the reasons set forth in the government's response (Doc. #27).

/s/Fernando J. Gaitan, Jr.  
United States District Judge

Dated: December 8, 2005  
Kansas City, Missouri